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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,473	02/21/2002	James A. McGrath	USFFLD.157A	4328

20995 7590 09/30/2003

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EXAMINER

DRODGE, JOSEPH W

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,473

Applicant(s)

MCGRATH ET AL.

Examiner

Joseph W. Drodge

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1002. 6) ☐ Other:

Art Unit: 1723

NON-FINAL REJECTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul patent publication PGPUBS US2002/0040870 in view of Van Petten patent 4,141,481.

Art Unit: 1723

Paul discloses a filter assembly comprising cylindrical pleated filter element 140 [as in claims 17-20 and 28-31], inner support core/sleeve [as in claims 19 and 30] (element 150), the inner sleeve having a regularly spaced array of parallel orthogonal, substantially rectangular or square perforations 152 arranged in straight rows [as in claims 2,9-11, 22-24, 32 and 35], the inner sleeve having a helical non-perforated margin band 158 at an acute pitch angle (figure 6) [as in claims 5,6,12,13, 25 and 26], and comprised of stainless steel (paragraph 0038) [as in claims 7,14 and 27].

Also disclosed is an outer support core or sleeve with substantially regularly spaced array of orthogonal rectangular or square perforations 124 [as in claims 18 and 29], or of other multi-sided perforation shape and/or uneven spacing (suggested by lines 8-10 of paragraph 0033) [as in claims 4,16, 36 and 37].

Also disclosed are end rings at both ends of both of the inner and outer sleeves in the form of means to bond or join end caps , or the end caps in themselves (paragraphs 0033 and 0036).

The features of the instant claims are generally covered in paragraphs 0033 and 0035-0038 of page 3 and in figures 2-6 of the Paul patent publication.

Independent claims 1,8,15,17,28 and 33 all differ in requiring the sleeve to comprise a metal strip having parallel edges joined by a spiral weld. Van Petten teaches such spiral weld (figures 5b and 5f and column 1, line 63-column 2, line 3 and column 8, line 36-column 9, line 50). It would have been obvious to one of ordinary skill in the fluid filtering art to have incorporated the spiral weld in fabricating the inner and outer sleeves of the Paul publication, as taught by Van Petten, to provide added

Art Unit: 1723

strength to the filter assembly and to facilitate manufacturing of the sleeves and filter assembly generally.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ponce patent 3,827,566 and Schmidt patent 3,695,443 are other examples of pleated filters having inner and outer sleeves having some features recited in the instant claims.

Any inquiry concerning this communication or other matters regarding prosecution of this application should be directed to examiner Joseph Drodge at telephone number (703)-308-0403 Monday-Friday between the hours of 8:30-4:45. The fax number for the examining group is (703) 872-9306.

JWD

September 23, 2003


JOSEPH DRODGE
PRIMARY EXAMINER